

**Washington State Human Rights Commission
MEETING OF
January 26-27, 2006**

**Legislative Building, Columbia Room
Olympia, WA
January 26, 2006**

ATTENDANCE

Commissioners: Kathy Baros Friedt, Commission Chair and Jerry Hebert.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Idolina Reta, Deputy Director; and Tim Reynolds, Information Technology Manager.

Guests: David Lord and Betty Schwieterman, Washington Protection and Advocacy System; Toby Olson, Governor's Committee on Disability Issues and Employment; Judge Anne Ellington, Court of Appeals; Judge Catherine Shaffer, King County Superior Court; Don Horowitz; Judge Kip Stilz, Thurston County District Court; Representative Pat Lantz; Lonnie Davis; Bob Vizzini, Southeast Washington Center for the Deaf and Hard of Hearing; Bob Lichtenberg, Washington State Center for Deaf and Hard of Hearing; Jaine Richards, Abused Deaf Women's Advocacy Services; Bruce Reeves; Jan Holler; Nancy & Dan Martin; Kim Zabel; Eva Rooks; Catrina Majack; Lisa Brodoff; Jeanette Murphy; Marilyn Finsen; Mary McKnew, NW Disability Law Office; and Hong Tran, NW Justice Project.

MAKING JUSTICE ACCESSIBLE FOR PERSONS WITH DISABILITIES

(Audio tape one – side one)

Commissioner Baros Friedt called the meeting to order at 7:05 p.m.

She welcomed everyone and introduced staff. She thanked David Lord of Washington Protection and Advocacy System for his hard work planning the forum.

Many invited guests spoke during the public forum.

Toby Olsen spoke about social attitudes and stereotypes toward persons with disabilities.

A panel consisting of Court of Appeals Judge Anne Ellington, Superior Court Judge Catherine Shaffer, and David Lord spoke next. They highlighted a Powerpoint presentation entitled Ensuring Equal Access for People with Disabilities. It focused on making Washington State Courts more accessible for people with disabilities.

A court rule should be implemented soon this year on court accessibility.

The Human Rights Commission will put a link on its website for the services of the University of Washington Center for Technology and Disability Studies. The url is: <http://www.uwcts.washington.edu>.

Don Horowitz spoke about the Technology Bill of Rights, which is actually the Access to Justice Technology Bill of Rights. In December 2004 the WA State Supreme Court adopted the Bill of Rights, making Washington the first state to do so.

Thurston County Superior Court Judge Kip Stilz spoke about technology and access issues in courts. He announced that Thurston County Clerk Betty Gould, who was scheduled to speak, could not be present due to illness.

Commissioner Jerry Hebert introduced Representative Pat Lantz of the 26th District. She spoke about justice and equality. She shared information about a bill on victims' rights that David Lord worked on.

(Audio tape one – side two)

Lonnie Davis spoke about service animals and access to courts. He gave an example of a woman that was denied access to a court because she had a service animal. She ended up going to jail because she could not go to court to defend herself while accompanied by her service animal. He also gave examples of permissible questions to ask persons with disabilities such as: "Is this a service animal?" and "What service is it trained to perform?"

A panel consisting of Bob Vizzini, Bob Lichtenberg, and Jaine Richards spoke next.

Bob Vizzini talked about his personal experiences in court using an unqualified sign language interpreter. He shared that deaf individuals need advocates in the court setting because of communication barriers.

Jaine Richards made a presentation in sign language. Ms. Richards is a certified interpreter but not in a court setting. She is hearing person. She is also a victims' advocate. She gave an example of a victim and perpetrator in a domestic violence case

that had to share an interpreter when they should have had separate interpreters. She spoke about group therapy for batterers and the need for interpreters in that setting also.

Bob Lichtenberg is from the Department of Social and Health Services (DSHS), Office of Deaf and Hard of Hearing. He is a person with a hearing disability that went to law school and explained the difficulties he experienced. He shared that there have been improvements since he attended school.

Mary McKnew is an attorney at NW Disability Law Office. She spoke about barriers to persons with physical mobility disabilities. She participated in a hearing at the Washington State Office of Administrative Hearings office in Spokane and was unable to easily access the restrooms. There is only one accessible bathroom in the building, which was on another floor and locked. She commented that Washington has been progressive but has a long way to go in meeting the needs of persons with disabilities.

Wes Brosman of Aberdeen spoke. He has 80% hearing loss. He shared that he was summoned for jury duty and asked for Computer Aided Real Time Captioning (CART) as an accommodation which was denied by the judge. He also mentioned challenges he faced receiving accommodation under the Americans with Disabilities Act (ADA) in several courts in Washington State.

Larry Watkinson spoke. He was a foster parent. He and his wife have visual disabilities. He then talked about technology needs for people with visual disabilities. He suggested paying attention to details like adding text descriptions to graphics on web pages to make them more accessible to persons with visual disabilities.

(Audio tape two – side one)

Hong Tran of the NW Justice Project commented about language needs. She spoke about problems with access for persons with cognitive and psychiatric disabilities in courts. She suggested training for court staff.

Commissioner Hebert thanked individuals for coming to the forum and thanked sign language interpreters Polly MacLean and Roxie Andrews for their services.

There being no further business, the meeting adjourned at 9:22 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

**Public Disclosure Commission Conference Room
Olympia, WA
January 27, 2006**

MINUTES

ATTENDANCE

Commissioners: Kathy Baros Friedt, Commission Chair; Ellis Casson; Dallas Barnes; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director; Idolina Reta; Deputy Director; Tanya Calahan, Executive Assistant to the Commissioners; Dean Hirst and Laurie Rasmussen, Civil Rights Investigators; Dixie Shaw, Operations Manager; and Traci Friedl, Assistant Attorney General.

Guests: David Clayborn.

OPENING AND WELCOME

Commissioner Baros Friedt called the meeting to order at 9:08 a.m.

She then summarized changes to the day's agenda. She will adjourn the meeting around 9:30 a.m. so the Commissioners, Executive Director and Deputy Director can go to the Capital as invited guests to hear the Senate vote on Engrossed Substitute House Bill (ESHB) 2661, "Expanding the Jurisdiction of the Washington Law Against Discrimination."

CASE CLOSURES

Commissioner Hebert made a motion to approve category one and category two case closures. Commissioner Barnes seconded the motion. MOTION CARRIED.

Commissioner Hebert made a motion that the Commissioners direct staff to send the category three cases to the Office of the Attorney General for administrative hearings. Commissioner Casson seconded the motion. MOTION CARRIED.

Commissioner Baros Friedt adjourned the meeting at 9:25 a.m. so Commissioners and staff can go to the Capital for the Senate vote on ESHB 2661.

MEETING RECONVENED

The meeting reconvened at 1:13 p.m.

RECONSIDERATIONS

Ted Saunders v. WA State Department of Transportation. Complainant appeared in person. Respondent did not participate. Civil Rights Investigator Bruce Redding provided a summary of the case and answered the Commissioners questions via telephone.

Discussion ensued about item number two in Complainant's September 29, 2005 letter; specifically, the statement about an EEOC complaint and whether he meant a complaint with Human Rights Commission instead of EEOC. Complainant clarified that he meant the EEOC complaint which is an older complaint that he would like reopened. There was a settlement reached to resolve that complaint.

Complainant stated that he provided suggestions to Respondent's Office of Equal Opportunity on accommodations but they instead brought up coaching. However, the investigation revealed that a variety of accommodations were provided to the Complainant.

Commissioner Lee asked if Complainant asked for an accommodation during the interview process. He said that he requested it eight years ago. He claims that Respondent never interactively discussed the accommodation process with him. One of the ideas he had was to have the interview process in writing. He suggested 12 different types of accommodation and claims that Respondent rejected them all. He stated that they didn't discuss any of his ideas interactively. He said that his preferences should be given primary consideration according to ADA guidelines.

(Audio tape one – side two)

Commissioner Barnes made a motion to deny the petition for reconsideration. The evidence suggests that Respondent interactively discussed accommodations with Complainant even though they did not use all of his suggestions. Commissioner Hebert seconded the motion and commented that the Commission is very concerned about disability issues. The system as a whole isn't considered in the decision to deny the Complainant's petition; just the individual complaint. Commissioner Lee abstained. MOTION CARRIED.

Daniel v. Varsity Contractors, Inc. Complainant appeared in person. Respondent did not participate. Bruce Redding provided a summary of the case via telephone.

Commissioner Barnes made a motion to grant reconsideration. Commissioner Hebert seconded the motion. MOTION CARRIED.

Collins v. Dewade Creveling. Complainant appeared via telephone. Respondent did not participate. Bruce Redding provided a summary of the case via telephone.

Complainant alleged a misapplication of the Landlord Tenant Law, however, the Commission lacks jurisdiction over that particular statute.

Commissioner Hebert made a motion to deny the petition on the basis that the Complainant did not provide new information that wasn't considered during the investigation. Commissioner Casson seconded the motion. MOTION CARRIED.

CASE CLOSURES CONT..

The Commissioners considered the Karch v. Marvich conciliation settlement agreement. The Commission found "reasonable cause" that the complainant was discriminated against in a housing transaction. The Attorney General's Office subsequently negotiated a settlement agreement. Commissioner Casson made a motion to approve the agreement. Commissioner Hebert seconded the motion. MOTION CARRIED.

APPROVAL OF MINUTES

Commissioner Casson made a motion to approve the minutes of January 12, 2006 special Commission meeting. Commissioner Hebert seconded the motion. MOTION CARRIED.

REPORT OF THE CHAIR

Discussion ensued about follow up from the January 26, 2006 public forum.

Commissioner Baros Friedt withdrew her request to provide funding for the Governor's Committee on Disability Issues and Employment (GCDE) because of the Commission's current budget situation. But, she requested that the Commission include it in the next budget cycle.

Commissioner Baros Friedt made suggestions for allowing time on the Friday meeting agendas for staff if appropriate. Commissioner Barnes suggested adding more discussion about fundamentals of civil rights law at the public forums.

The Commissioners went on to discuss the cities on the 2006 Commission meeting schedule.

Commissioner Hebert cautioned about changing cities. He suggested adjusting the forum schedule but not the locations of the forums.

Commissioner Baros Friedt suggested that the March meeting focus on ESHB 2661 that will expand the jurisdiction of the Washington State Human Rights Commission and match an appropriate city with this topic.

She then spoke about a forum with the Governor's Interagency Committee of State Employed Women (ICSEW) that will focus on women in leadership. And a separate forum to raise visibility on the pregnancy and maternity, and breastfeeding issues. She asked for input on an appropriate city for this topic. There was no consensus.

Commissioner Casson expressed concern about the number of forums and the lack of follow up.

Commissioner Lee suggested going back to Daybreak Star Cultural Center in Seattle in July 2006.

Commissioner Baros Friedt suggested having a meeting in Seattle during March 2006 on ESHB 2661. Although Spokane has a local sexual orientation ordinance, Marc Brenman suggested not having the topic there because of the confusion between the Washington State Human Rights Commission and the local Spokane City Human Rights Commission. The Commission can learn lessons on this topic from the City of Seattle Human Rights Commission and King County Office of Civil Rights. Mr. Brenman suggested taking Raymond Reyes of Gonzaga upon his offer to have a public forum on Native American issues in Spokane.

Commissioner Hebert suggested meeting in Vancouver in February. Mr. Brenman asked Operations Manager Dixie Shaw to speak about the work being done to increase the Commission's presence in Southwest Washington. She concurred with the idea of going to Vancouver at the end of February. The Commission continues to get inquiries from that area. She suggested that the Commission do a community needs assessment at the Vancouver meeting. There would need to be a February 23-24, 2006 meeting in Vancouver to accommodate a public forum. Requests for reconsideration can be scheduled at the February meeting.

(Audio tape two – side one)

On March 31, 2006, the Commissioners will have a meeting in Seattle and meet with the City of Seattle regarding ESHB 2661. Ms. Shaw suggested that Peggy Paul, Prosecuting Attorney be involved because she has experience with taking these types of cases forward. There would need to be two hours set aside for this discussion. There will be no reconsiderations scheduled for the March 31, 2006 agenda.

Marc Brenman asked for Commissioner consensus for the May meeting. The Commissioners agreed to have a meeting in Spokane on May 25-26, 2006. Marc Brenman will contact Operations Manager Sharon Ortiz so she can begin planning the public forum on Native American issues with Raymond Reyes of Gonzaga University.

Commissioner Baros Friedt highlighted the Commissioners' suggestions for changes to the 2006 meeting schedule. She then discussed work study sessions. Commissioner

Hebert expressed opposition to canceling the work study session scheduled for February 10, 2006.

Commissioner Baros Friedt voiced that she was in favor of work study sessions. However, she pointed out the need for the Commissioners to discuss policy issues not agency budget details and personnel issues at work study sessions, which are administrative tasks. She suggested that the Commissioners get back to discussing more substantive issues and not committee structures to deal with administrative matters.

Commissioner Casson commented for the record that he would not be participating in work study sessions.

Commissioner Hebert requested that the Commissioners still hold a work study session on February 10, 2006 to prioritize work study session topics. He will prepare an agenda for the meeting and route it to the other Commissioners so they can determine whether or not they want to attend.

EXECUTIVE DIRECTOR'S REPORT

Marc Brenman called for questions and comments about his monthly Executive Director's Report. Commissioner Baros Friedt asked for further information about the information on page six related to the needs assessment in Vancouver. Dixie Shaw suggested having community groups attend the public forum on February 23, 2006 instead of taking testimony from individuals, who already had an opportunity to address the Commissioners with their personal stories in October 2005.

Commissioner Baros Friedt also asked about comments about the definition of "handicap" and if the Commission should issue a formal opinion. Assistant Attorney General Traci Friedl suggested that the Commission should make interpretive statements on a topic like this in a rule (Washington Administrative Code or WAC) instead of a policy.

Dixie Shaw shared information on the status of testing an online complaint form. Turnaround for sending a complaint for a complainant to sign would be five days. Ms. Shaw thanked Civil Rights Investigator Dean Hirst for his work on the Complaint Intake Task Force.

BUDGET DISCUSSION

Marc Brenman commented on the agency's current budget situation. The budget shortfall remains at about \$155,000 for fiscal year 2006. For fiscal year 2007, it may be more like \$264,000. Staff does not have clear answers about the budget yet. No scenarios involving leave without pay, layoffs, and releasing temporary staff have been implemented. But, case production still has to improve. Some staff have been reassigned to focus on the core business of the agency, case investigations.

Mr. Brenman shared information about tracking case production with the Commissioners. The housing reports will now focus more on a revenue goal instead of just the number of cases. There needs to be more than 100 cases submitted to HUD for the agency to meet its contract with them.

(Audio tape two – side two)

Mr. Brenman shared a similar report that shows EEOC case revenue goals. Discussion then ensued about how EEOC case credit is tracked.

UNFINISHED BUSINESS

The Commissioners agreed to send the customer service complaint issue to a work study session.

NEW BUSINESS

Commissioner Hebert spoke about a new video game titled “Gun” that is distributed by Activision. The game is derogatory towards Native Americans. The objective of game is for an individual named Colton White to kill and scalp Apache Indians.

Commissioner Hebert then suggested sending a letter to the Attorney General Rob McKenna to have this game banned in Washington State. Commissioner Casson made a motion to send an advisory letter to Attorney General, the Washington State Legislature, and a Technical Assistance Advisory to the game manufacturer. Commissioner Hebert seconded the motion. MOTION CARRIED.

Commissioner Baros Freidt announced that ESHB 2661 that will expand the jurisdiction of the Washington State Human Rights Commission passed today. The Commissioners, Executive Director Marc Brenman, Deputy Director Idolina Reta, and Assistant Attorney General Traci Friedl attended the hearing.

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners